IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

OP.No. 7757 of 1998(W)

PETITIONER:

THE WESTERN INDIA COTOONS LIMITED
POST PAPPINISSERI, KANNUR DISTRICT
REPRESENTED BY ITS COMPANY SECRETARY

BY ADV. SRI.U.K.RAMAKRISHNAN
SRI.P.V.LOHITHAKSHAN

RESPONDENTS:

1. THE KERALA STATE ELECTRICITY BOARD
VYDHYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY

2. THE CHAIRMAN
KERALA STATE ELECTRICITY BOARD
VYDHYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM

3. THE CHIEF ENGINEER
(THERMAL & COMMERCIAL)
KERALA STATE ELECTRICITY BOARD
VYDHYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.

4. THE SPECIAL OFFICER (REVENUE)
KERALA STATE ELECTRICITY BOARD
VYDHYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM

5. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
POWER DEPARTMENT, THIRUVANANTHAPURAM.

BY ADV. SRI.R.K.VENU NAYAR, SC, KSEB
SRI.P.SANTHALINGAM, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: Photocopy of letter dated 31.12.1997 sent to the petitioner by the Deputy Chief Engineer Electrical Section, Kannur

Ext.P2: Photocopy of reply dated 3.1.1998 sent by petitioner to the Deputy Chief Engineer.

Ext.P3: Photocopy of letter dated 4.2.1998 sent by the Deputy Chief Engineer to the 3rd respondent.

Ext.P4: Photocopy of order of the Board dated 31.1.1998 received by the petitioner from the Kerala State High Tension and Extra High Tension for Industrial Electricity Consumers Association, Ernakulam.

Ext.P5: Photocopy of the extract of the press release published in Indian Express daily dated 25.1.1998.

Ext.P6: Photocopy of order dated 2.3.1998 issued by the 3rd respondent to petitioner.

Ext.P7: Photocopy of electricity bill issued to the petitioner by 4th respondent for the month of February 1998 charging at the EREB rate.

Ext.P8: Photocopy of representation dated 13.3.1998 filed by petitioner before the 2nd respondent.

Ext.P9: Photocopy of order dated 6.4.1998 of the 3rd respondent.

Ext.P10: Photocopy of electricity bill for the month of March 1998 issued by the 4th respondent to the petitioner.

Ext.P11: Photocopy of the G.O.(MS)No.3/98/FD dated 23.1.1998.

Ext.P12: Photocopy of the Board order No.2785/97 (Plg.Com.2920/96) dated 12.12.1997.

// True copy //

P.A. to Judge

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O.P.No.7757 of 1998(W)

ORDER ON C.M.P.13449 OF 1998
IN
O.P.NO.7757 OF 1998

Dismissed.

SD/-
KURIAN JOSEPH, JUDGE

2.4.2007

**KURIAN JOSEPH, J.**

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O.P.7757 OF 1998

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**JUDGMENT**

Dated 2nd April, 2007

**KURIAN JOSEPH, J.**

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O.P.NO.7757 OF 1998

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Dated this the 2nd day of April 2007

**JUDGMENT**

The issue raised in this writ petition pertains to the billing method adopted during February and March 1998. Inviting reference to the judgment dated 8.8.2006 in O.P.9174/98, it is submitted that since the petitioner herein also has not consumed electricity exceeding 70% of the average consumption, billing for the imported energy is unwarranted. I quash the impugned bills to the extend of imposition of EREB rates, since it is submitted that the petitioner had limited the consumption to 70% at the relevant time.

The writ petition is disposed of as above.

**KURIAN JOSEPH, JUDGE**

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